

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DANIEL LEMBERGER,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

**8:18CV64**

**ORDER**

This matter is before the Court on the defendant Union Pacific Railroad Company's ("UPRR") renewed motion to stay this action pending the outcome of the appeals in *Harder v. UPRR*, 8:18-cv-00058 and *West v. UPRR*, 8:18-cv-00036, Filing No. 82. The plaintiff is opposed to the motion. Filing No. 84.

After a telephonic conference with the parties on December 1, 2020, the Court has continued trial of this action to July 12, 2021, as a result of the pandemic. The motion to stay may be obviated in view of the rescheduling. In any event, for the reasons stated in an earlier order, Filing No. 78, the Court finds the renewed motion to stay should be denied. Accordingly,

IT IS ORDERED:

1. The defendant's renewed motion to stay (Filing No. 85) is denied.
2. The jury trial of this case is set to commence before Joseph F. Bataillon, Senior United States District Judge, in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 8:30 a.m. on July 12, 2021, or as soon thereafter as the case may be called, for a

duration of five (5) trial days. Jury selection will be held at the commencement of trial.

3. The parties shall contact the chambers of United States Magistrate Judge Zwart to schedule a Pretrial Conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in Word format, three days prior to the Pretrial Conference.
4. Motions in limine shall be filed seven days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.
5. Parties shall submit trial briefs and proposed jury instructions seven days prior to trial.

Dated this 3<sup>rd</sup> day of December, 2020.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge